

**REMARKS**

In a final office action dated 24 November 2003, the Examiner rejects claims 27-29 and 35-51. In response to the final office action, Applicants cancel claims 27-29 and 35-51. Applicants also add claims 52-67 and respectfully traverse the rejections. Claims 52-67 are now pending in this application. In light of the below arguments, Applicants respectfully request that the Examiner allow all pending claims and allow this application.

The Examiner rejects claim 27 and 37 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 5,737,706 A issued to Seazholtz et al. (Seazholtz). In order for anticipation rejection to be proper, each and every claim element of the claim must be found either expressly or inherently in a single prior art reference. See MPEP §2131. See also Verdegaal Bros. V. Union oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987).). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984).

The Examiner has failed to provide evidence that all claimed elements are expressly and or inherently in the single prior art reference of Seazholtz as the elements are arranged in the claim.

Claim 52 recites the step of "transmitting a connection message from said mobile computer terminal to said host computer system prior to said expiration time responsive to said mobile computer terminal being set to an active state." Seazholtz does not teach any of this limitation. Instead, Seazholtz teaches a method in which a handset in a wireless system enters a sleep mode and wakes up at a particular time to receive a Temporary Equipment Identifier (TEI) message. Col. 8, lines 35-49. The TEI message includes identifications of those handsets that have data that must be sent to the handset. Col. 8, lines 44-45. A handset awakes to receive the TEI message and determine if the identifier of the handset is included in the message. If the identifier for the handset is included in the TEI message, the handset exits sleep mode to receive the data. *Id.* In the system, taught by Seazholtz, the handset or mobile computer is to wake up at a certain time to receive a message. In the claimed invention, the mobile computer will "wake-up" to send a message. In the claimed invention, the mobile computer must

periodically transmit a message to avoid being disconnected from the network. However, in the system taught by Seazholtz, this is not a concern as a mobile telephone is not concerned about being disconnected from the network. Instead, Seaholtz is concerned only with saving power between transmissions over a datalink and there is no problem with a cellular telephone being disconnected with a network. For this reason, Seazholtz does not teach each and every claim element as arranged in claim 52. Therefore, Applicants respectfully request that the rejection of claim 52 be removed.

More particularly, Applicants contend that Seaholtz does not teach sending a message responsive to the mobile computer being in the active state. Specifically, Seaholtz teaches the following happens when a mobile Device awakes. "When the M-ES awakes, it **waits until it receives a notification message**. (Emphasis added) If the TEI of the M-ES is on the list, it notifies the network that is ready to receive that it is ready to receive the data. IF the TEI and M-ES is not on that list, the M-ES goes back to sleep for another period of time specified by parameter T204." Col. 9, lines 38-46. From this passage, it is obvious that Seaholtz is teaching that at wake-up the handset listens for a message and only transmits a message if a received message indicates that data is waiting for the mobile device. Thus, the handheld device does not send a message when the mobile computer becomes active. Instead, it listens for a message at the specified time and only transmits a message if the received message indicates there is data for the mobile device. As stated above, the claimed invention transmits a message responsive to the mobile terminal becoming active in order to maintain a connection to the network. Therefore, a message must be sent at prior to the expiration time. Thus, Seaholtz does not teach the element of sending the message at the specified time as recited in claim 52. For these reasons, Applicants respectfully request claim 52 be allowed.

Claims 53-55 are dependent upon claim 52. Thus, claims 53-55 are allowable for at least the same reasons as claim 52. Therefore, Applicants respectfully request that claims 53-55 be allowed.

Claim 56 is a mobile computer terminal configured to perform the method of claim 52. Thus, claim 56 is allowable for at least the same reasons as claim 52. Therefore, Applicants respectfully request that claim 56 be allowed.

Claims 57-59 are dependent upon claim 56. Thus, claims 57-59 are allowable for at least the same reasons as amended claim 56. Therefore, Applicants respectfully request that claims 57-59 be allowed.

Claim 60 is a mobile computer terminal configured to perform the method of claim 52 as well as capturing data from a hand-held device. Thus, claim 60 is allowable for at least the same reasons as claim 52. Therefore, Applicants respectfully request that claim 60 be allowed.

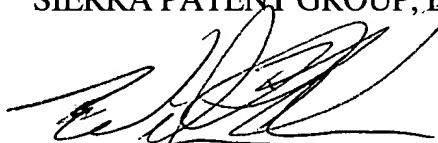
Claims 61-63 are dependent upon claim 60. Thus, claims 61-63 are allowable for at least the same reasons as amended claim 60. Therefore, Applicants respectfully request that claims 61-63 be allowed.

Claim 64 is a method that performs the method of claim 52 as well as capturing data from a hand-held device. Thus, claim 64 is allowable for at least the same reasons as claim 52. Therefore, Applicants respectfully request that claim 64 be allowed.

Claims 65-67 are dependent upon claim 65. Thus, claims 65-67 are allowable for at least the same reasons as amended claim 65. Therefore, Applicants respectfully request that claims 65-67 be allowed.

If the Examiner has a question about this response or the application in general, the Examiner is invited to telephone the Applicants at 775-586-9500.

Respectfully submitted,  
SIERRA PATENT GROUP, LTD.



William P. Wilbar  
Reg. No.: 43,265

Dated: February 24, 2004

Sierra Patent Group, Ltd.  
P.O. Box 6149  
Stateline, NV 89449  
(775) 586-9500  
(775) 586-9550 Fax